

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

CARLA SUZANNE JACKSON,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:12-cv-22
v.)	
)	Judge Mattice
CITY OF CLEVELAND, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	

ORDER

Before the Court is Plaintiff's "Motion to Nonsuit Plaintiff's Title VII Claims Without Prejudice and for Court to Decline Supplemental Jurisdiction Over State Law Claims." (Doc. 35). In her Motion, Plaintiff asks the Court to dismiss her federal claims without prejudice, and because no federal claims will remain, to decline to exercise supplemental jurisdiction over her state law claims. (*Id.* at 1). Plaintiff asks the Courts to "remand or send the State law claims to the Bradley County Circuit Court for further action pursuant to State law," but notes that it is within the Court's discretion to determine whether it should retain jurisdiction over the state law claims, remand the those claims to state court, or dismiss those claims without prejudice. (*Id.* at 1-3).

Defendants have now responded to Plaintiff's Motion, indicating that they have no objection to Plaintiff's efforts to voluntarily dismiss her federal claims without prejudice. (Doc. 40). Defendants argue, however, that remand of Plaintiff's state law claims "would not be possible" as this matter was originally filed in federal court, rather than originally filed in state court and subsequently removed to federal court. (*Id.* at 1-

2). Defendants do not object, however, to the dismissal of Plaintiff's state law claims without prejudice. (*Id.* at 2).

The Court will construe Plaintiff's Motion to nonsuit her federal claims as a Motion for a Court Order of Dismissal pursuant to Fed. R. Civ. P. 41(a)(2). Because no party objects to the dismissal of Plaintiff's federal claims without prejudice, the Court hereby **GRANTS** Plaintiff's Motion (Doc. 35), and Plaintiff's Title VII claims are hereby **DISMISSED WITHOUT PREJUDICE**. Because all federal claims have been dismissed and the parties are non-diverse, the basis for the Court's original jurisdiction is extinguished. The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims, and those claims will also be **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 13th day of August, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE